

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ANTHONY DUANE ROBINSON,

Plaintiff,

v.

Case No. 19-CV-812

TERRELL WILLIAMS,

Defendant.

DEFENDANT’S MOTION TO CONDUCT REMOTE DEPOSITION

NOW COMES the Defendant, Terrell Williams, by his attorneys the Milwaukee County Office of Corporation Counsel and Deputy Corporation Counsel Anne Berleman Kearney, and seeks an order pursuant to Fed. R. Civ. P. 16(b), 30(a)(2)(B) and 30(b)(4) that permits the Defendant to conduct Plaintiff’s deposition remotely:

1. On April 24, 2020, the Court issued a text only order granting Defendants’ Motion to Extend discovery and dispositive motion deadlines. (ECF No. 48). The discovery deadline was extended to July 28, 2020 and the deadline to file dispositive motions was extended to August 28, 2020. As part of this order, the court determined that it was premature for it to rule on Defendant’s request for a remote deposition.

2. Plaintiff is currently incarcerated at Jackson Correctional Institution in Black River Falls, Wisconsin.

3. Due to the global pandemic related to the Covid-19 virus, and the current restrictions placed upon local and state government agencies, the Milwaukee County Office of Corporation Counsel (“OCC”) has engaged in a practice of social distancing, among other measures, as a means to protect ourselves, those in the community with whom we work, and the public.

4. Consistent with that OCC practice and for additional personal health-related reasons of undersigned counsel, undersigned counsel would like to depose Plaintiff remotely as opposed to in-person and face-to-face.

5. Undersigned counsel's office has contacted Jackson Correctional Institution and asked whether a remote deposition in this case is possible. Jackson Correctional Institution staff has responded that video depositions are currently available at their facility.

6. As a result, Defendant respectfully requests that the Court amend the scheduling order in this case to permit depositions to be conducted remotely.

7. Rule 16(b) of the Federal Rules of Civil Procedure authorizes a district court to control and expedite pretrial matters through via scheduling order. Should a party wish to amend said order, the standard to do is "good cause." See Fed. R. Civ. P. 16(b). For the reasons stated above, Defendants submit that good cause exists here.

8. Further, Rule 30(b)(4) also permits the parties upon motion to the court to conduct a deposition by remote means. In this case, undersigned counsel requests that the Defendant be allowed to conduct the deposition of the Plaintiff by video-conference for the reasons stated above.

Dated at Milwaukee, Wisconsin this 2nd day of June, 2020.

MARGARET C. DAUN
Milwaukee County Corporation Counsel

BY: s/ Anne Berleman Kearney
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